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SEP 19 2006

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Applicant cancels claims 4 and 6-8. Claims 1-3, 5, and 9-12 remain pending in the application. Applicant amends claims 1-2 and 9-12 for clarification, and refers to Figs. 2 and 3 and their corresponding description in the specification for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

Applicant respectfully requests that the Examiner acknowledge receipt of all certified copies of the priority documents for this application and indicate acceptance of the drawings.

The Examiner objected to the title of the invention for being not descriptive. Applicant amends the title to more fully describe the claimed invention, and respectfully requests that the Examiner withdraw the objection.

Claims 1-2 and 5-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,377,795 to Bach et al.; claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bach et al. in view of U.S. Patent No. 6,026,152 to Cannon et al.; and claims 11-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bach et al. in view of U.S. Patent Application Publication No. 2002/0085690 to Davidson et al. Applicant amends the claims in a good faith effort to clarify the invention as distinguished from the cited references, and respectfully traverses the rejections.

The cited portions of Bach et al. only describe a system where important calls from pre-programmed number(s) are allowed to reach the cellular phone, and calls not from the pre-programmed number(s) are rejected. Such portions include separate description of a cellular phone that includes a "special mode" that mutes a call after a first ring and forwards the call to an auto accept routine. Thus, Bach et al., as cited and relied upon by the Examiner, only describe accepting calls from pre-programmed numbers, and do not disclose the claimed feature

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of "immediately connecting [a] call without emitting a dial tone so that a charge is imposed on an originator side if the originating number is not registered in the telephone directory database, and announcing a recorded message."

In other words, Bach et al., as cited and relied upon by the Examiner, do not disclose,

"[a] portable terminal device, comprising:  
a determination unit retrieving data from a telephone  
directory database if a call arrives at a portable terminal device,  
and determining whether an originating number is registered in a  
telephone directory database; and  
a transmitting unit immediately connecting the call without  
emitting a dial tone so that a charge is imposed on an originator  
side if the originating number is not registered in the telephone  
directory database, and announcing a recorded message." as recited  
in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2 and 5 dependent therefrom, is patentable over Bach et al. for at least the foregoing reasons. Claim 9 incorporates features that correspond to those of claim 1 cited above, and is, therefore, together with claim 10 dependent therefrom, patentable over Bach et al. for at least the same reasons. The Examiner relied upon Cannon et al. to specifically address the additional features recited in claim 3, which depends from claim 1. As such, the addition of this reference would still have failed to cure the above-described deficiencies of Bach et al. even assuming, arguendo, that such addition would have been obvious to one skilled in the art. Accordingly, Applicant respectfully submits that claim 3 is patentable over the cited references for at least the foregoing reasons. Likewise, claim 11 incorporates features that correspond to those of claim 1 cited above, and the Examiner relied upon Davidson et al. to specifically address the "computer readable medium" feature recited in claims 11-12. As such, the addition of Davidson et al. would also have failed to cure the above-described deficiencies of Bach et al. even assuming, arguendo, that such addition

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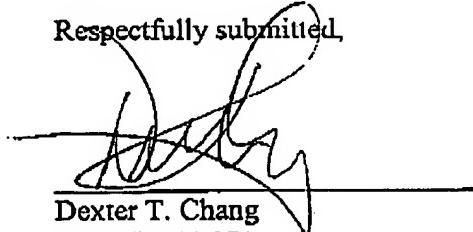
would have been obvious to one skilled in the art. Accordingly, Applicant respectfully submits that claim 11, together with claim 12 dependent therefrom, is patentable over the cited references for at least the foregoing reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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